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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,932	07/17/2003	Dikran Meliksetian	POU920030113US1	2513

7590
John E. Campbell
IBM Corporation
2455 South Road, P386
Poughkeepsie, NY 12601

EXAMINER

HAN, QI

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/621,932		MELIKSETIAN ET AL.	
	Examiner		Art Unit	
	Qi Han		2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/17/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on 07/17/2003 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 1, it claims “a method”, which appears, in the surface, to fall within statutory classes (i.e. a process). However, by reviewing the body of the claimed language, the corresponding terms of “grammar”, “statements”, “token”, “rule”, “input value” and “action” can be interpreted as abstract data in a broad sense, so that the claim, as whole, is substantially drawn to or reasonably interpreted as manipulating abstract data or algorithm, which falls within 35 USC 101 Judicial Exceptions, i.e. abstract idea. Further, since the claim, as whole, only involves or manipulates abstract data or algorithm and the results is in the same or similar abstract nature, it lacks to produce a useful, tangible, **and** concrete result in a **practical application**. Therefore, the claim, as whole, is directed to non-statutory subject matter.

Regarding claims 2-8, the rejection is based on the same reason described for claim 1, because these dependent claims include the same or similar problematic limitations as claim 1.

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Regarding claim 9, it claims “a method”. The rejection is based on the same reason described for claim 1, because the claim includes the same or similar problematic limitations as claim 1.

Regarding claim 10, it claims “a system”, which appears, in the surface, to fall within statutory classes (i.e. a machine). However, by reviewing the body of the claimed language, the claim is within the same scope as claim 1 and substantially drawn to or reasonably interpreted as manipulating abstract data or algorithm, which falls within 35 USC 101 Judicial Exceptions, i.e. abstract idea. Even though the claim includes limitation “a network” and “a computer system”, these elements are common for all computer-based system and are not particularly invented by the applicant in light of the specification (also evidenced by claim 19). Therefore, the claim, as whole, is directed to non-statutory subject matter, based on the same reason described for claim 1 above.

Regarding claims 11-17, the rejection is based on the same reason described for claim 10, because these dependent claims include the same or similar problematic limitations as claim 10.

Regarding claim 18, it claims “a system”. The rejection is based on the same reason described for claim 10, because the claim includes the same or similar problematic limitations as claim 10.

Regarding claim 19, it claims “a computer program product”, but it lacks specific description in the specification to show what the product really is. By reviewing the claim language, even though the claim includes a limitation of “a computer readable medium having computer readable program code therein for performing a method...”, the claim, as whole, is

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noting more than claiming computer software (code or program) itself, which is directed to functional description material per se and is nonstatutory under 35 USC 101.

Further, in another view of the claim, the claimed limitations are within the same scope as claim 1 and substantially drawn to or reasonably interpreted as manipulating abstract data or algorithm, which falls within 35 USC 101 Judicial Exceptions, i.e. abstract idea. Therefore, the claim, as whole, is directed to non-statutory subject matter, based on the same reason described for claim 1 above.

Regarding claims 20-26, the rejection is based on the same reason described for claim 19, because these dependent claims include the same or similar problematic limitations as claim 19.

Regarding claim 27, it claims "a computer program product". The rejection is based on the same reason described for claim 19, because the claim includes the same or similar problematic limitations as claim 19.

3. As best understood in view of the claims rejection under 35 U.S.C 101, see above, a complete prior art search has been conducted (also see the attached PTO-892 form).

Conclusion

4. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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If no Mail Stop is indicated below, the line beginning Mail Stop should be omitted from the address.

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
April 9, 2007


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER